

WEDNESDAY, APRIL 29, 1987

THIRTY-NINTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Michael L. Graves, Pastor, Temple Baptist Church, Nashville, Tennessee.

Representative Love led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 99

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--99.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1100--Transportation Equity Fund; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No:

301--Counties transfer development rights; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

286--Approaching school bus; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1238--Fee on licensing motor vehicles; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

529--Fabricators of steel products; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

616--Speech pathologists; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

- 46--Relative to memory, Newton Jackson Ford;
- 149--Relative to study, alternative routes to Career Ladder status;
- 150--Relative to study, certain contract programs, Education Department;
- 158--Relative to study, property adjacent to Warrior's Path State Park;
- 165--Relative to transfer jurisdiction of land, Middle Tennessee Mental Institute to TSU;
- 168--Relative to special joint committee study, screening program, college students;
- 170--Relative to honoring Joseph Bascom Osborne;
- 171--Relative to congratulating Barbara Ross Moore;
- 172--Relative to congratulating Dr. Thomas K. Ballard;
- 192--Relative to congratulating Dr. Angelo A. Volpe; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

- 894--To enact "Tennessee Tax Revision Law of 1987";
- 968--To appropriate funds, facilities for mentally retarded citizens;
- 1006--To transfer certain property, Clarksville;
- 1043--To regulate immunity from suits, not-for-profit organizations; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

706--To broaden definition of club, privilege tax; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.: 728, 1075 and 1186; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.: 131, 137, 144, 185, 186, 269, 273, 274, 276, 278, 279, 287 and 307; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 36 and 785; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 375, 728, 1075 and 1186; House Resolution No. 38; and House Joint Resolutions Nos. 131, 137, 144, 185, 186, 269, 273, 274, 276, 278, 279, 287 and 307; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

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SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 36, 375, 728, 785, 1075, 1186 and House Joint Resolutions Nos. 131, 137, 144, 185, 186, 269, 273, 274, 276, 278, 279, 287 and 307 and House Resolution No. 38.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 86, 196, 234, 423, 586, 603, 615, 636, 699, 875, 1121, 1253, 1254, 1255, 1256, 1264, 1265, 1269 and House Joint Resolutions Nos. 64, 72, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 221, 222, 223, 224, 225, 226, 229, 230, 231, 266, with his approval.

DAVID H. WELLES,
Counsel to the Governor.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 16, 73, 267, 385, 416, 436, 514, 619, 674, 816, 848, 892, 937, 1097, 1249, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1266, 1271, 1276, 1278 and 1279; and House Joint Resolutions Nos. 103, 111, 116, 171, 247, 248, 257, 260, 261, 262, 263, 264, 265, 271 and 302; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1272 with his approval.

DAVID H. WELLES,
Counsel to the Governor.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 1099; and find same correctly

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enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to request the return of House Bill No. 495, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bill No. 1099.

CALENDAR

House Bill No. 1002--Maternity leave.

Ms. Williams moved that House Bill No. 1002 be passed on third and final consideration.

Mr. Tankersley moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1002 by deleting all of the language which follows the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 21, is amended by adding the following new section to the end of Part 4:

Section __. A female employee who has been employed by the same employer for at least twelve (12) consecutive months as a full-time employee may be absent from such employment for a period not to exceed four (4) months for the purpose of bonding with a newly born or newly adopted child: (such period to be hereinafter referred to as "maternity leave"). A female employee who gives at least three (3) months advance notice to her employer of her anticipated date of departure for maternity leave, her length of maternity leave, and her intention to return to full-time employment after maternity leave, shall be restored to her previous or a similar position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of her leave. A female employee who is prevented from giving three (3) months advance notice because of a medical emergency which necessitates that maternity leave begin earlier than originally anticipated shall not forfeit her rights and benefits under this section solely because of her failure to give three (3) months advance notice.

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Maternity leave may be with or without pay at the discretion of the employer. Maternity leave shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which she was eligible at the date of her leave, and any other benefits or rights of her employment incident to her employment position; provided, however, that the employer need not provide for the cost of any benefits, plans, or programs during the period of maternity leave unless such employer so provides for all employees on leaves of absence. If an employee's job position is so unique that the employer cannot, after reasonable efforts, fill that position temporarily, then the employer shall not be liable under this section for failure to reinstate the employee at the end of her maternity leave period. The purpose of this section is to promote and encourage bonding between a female employee and her newly born or adopted child; therefore, if an employer finds that the female employee has utilized the period of maternity leave to actively pursue other employment opportunities or if the employer finds that the employee has worked part-time or full-time for another employer during the period of maternity leave, then the employer shall not be liable under this section for failure to reinstate the employee at the end of her maternity leave. Whenever the employer shall determine that the employee will not be reinstated at the end of her maternity leave because her position cannot be filled temporarily or because she has used maternity leave to pursue employment opportunities or to work for another employer, the employer shall so notify the employee.

Nothing contained within the provisions of this section shall be construed: (1) to affect any bargaining agreement or company policy which provides for greater or additional benefits than those required under this section; (2) to require any employer to provide maternity leave to male employees; or (3) to apply to any employer who employs fewer than one hundred (100) full-time employees on a permanent basis.

Enforcement of this section shall be sought by filing an original complaint with the circuit or chancery court in the county having jurisdiction.

SECTION 2. This act shall take effect on January 1, 1988.

AND FURTHER AMEND by adding a new paragraph at the end of Section 1:

"The provisions of this act shall be included in the next employee handbook published by the employer after passage of this act."

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Ms. Williams moved that House Bill No. 1002 be moved down ten places on today's Calendar, which motion prevailed.

Ms. DeBerry moved that House Bill No. 1182 be moved after House Bill No. 1002 today, which motion prevailed.

House Bill No. 681--Relative to Juries.

Mr. Clark moved that House Bill No. 681 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	1
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, U. (Shelby), Kent, Kernell, Kisber, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Yelton and Mr. Speaker Murray--95.

Representative voting no was: Wolfe--1.

Representative present and not voting was: Lawson--1.

A motion to reconsider was tabled.

House Bill No. 692--Trails.

Mr. Clark moved that House Bill No. 692 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	10

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck,

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Burnett, Bushing, Byrd, Cain, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kisber, Lawson, Love, May, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Yelton and Mr. Speaker Murray--86.

Representatives voting no were: Chiles, Coffey, Good, Harrill, Kernell, Long, McAfee, Shirley, Wolfe and Wood--10.

A motion to reconsider was tabled.

Mr. Speaker Murray relinquished the Chair to Ms. DeBerry Speaker pro tem.

House Bill No. 250--Definition of Subdivisions.

Mr. Clark moved that House Bill No. 250 be passed on third and final consideration.

Mr. Clark moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 250 by deleting the language of Section 1 in its entirety and substituting instead the following:

SECTION 1: Tennessee Code Annotated, Section 13-3-401, is amended by deleting the language of subdivision (4) in its entirety and substituting instead the following:

(4)(A) "Subdivision" means, in all counties except those specified in subdivision (B), the division of a tract or parcel of land into two (2) or more lots, sites or other divisions for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided, provided, however, that "subdivision" does not include a division of any tract or parcel of land into two (2) or more tracts or parcels when such parts or parcels are five (5) acres or larger in size; and

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(B) "Subdivision" means, in any county having a metropolitan form of government and a population of not less than 470,000 nor more than 500,000 according to the 1980 federal census or any subsequent federal census, the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of subdividing, or resubdividing or to the land or area subdivided or resubdivided.

On motion, the amendment was adopted.

Mr. Clark moved that House Bill No. 250 be placed on the Calendar for Wednesday, May 6, 1987, which motion prevailed.

House Bill No. 251--Definition of Subdivisions.

Mr. Clark moved that House Bill No. 251 be passed on third and final consideration.

Mr. Clark moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 251 by deleting the language of Section 1 in its entirety and substituting instead the following:

SECTION 1: Tennessee Code Annotated, Section 13-4-301, is amended by deleting the language of subdivision (4) in its entirety and substituting instead the following:

(4)(A) "Subdivision" means, in all counties except those specified in subdivision (B), the division of a tract or parcel of land into two (2) or more lots, sites or other divisions of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided; and

(B) "Subdivision" means, in any county having a metropolitan form of government and a population of not less than 470,000 nor more than 500,000 according to the 1980 federal census or any subsequent federal census, the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of subdividing, or resubdividing or to the land or area subdivided or resubdivided.

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On motion, the amendment was adopted.

Mr. Clark moved that House Bill No. 251 be placed on the Calendar for Wednesday, May 6, 1987, which motion prevailed.

Mr. Wood moved that House Bill No. 734 be placed on the Calendar for Wednesday, May 6, 1987, which motion prevailed.

House Bill No. 954--General Sessions Courts.

On motion, House Bill No. 954 was made to conform with Senate Bill No. 819.

On motion, Senate Bill No. 819, on same subject, was substituted for House Bill No. 954.

Mr. Starnes moved that Senate Bill No. 819 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--98.

A motion to reconsider was tabled.

House Bill No. 800--Unemployment compensation.

Mr. Burnett moved that House Bill No. 800 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes 86
Noes 12

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Yelton and Mr. Speaker Murray--86.

Representatives voting no were: Chiles, Copeland, Frensey, Good, Harrill, Head, Holcomb, McAfee, Montgomery, Nance, Wolfe and Wood--12.

A motion to reconsider was tabled.

Mr. Speaker Murray resumed the Chair.

FURTHER CONSIDERATION OF HOUSE BILL NO. 1002

Mr. Bragg moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting the first sentence of the amendatory language of Section 1 and by substituting instead the following:

A female employee who has been employed by the same employer for at least twelve (12) consecutive months as a full-time employee, as determined by the employer at the job site or location, may be absent from such employment for a period not to exceed four (4) months for the purpose of bonding with a newly born or newly adopted child: (such period to be hereinafter referred to as "maternity leave").

AND FURTHER AMEND by deleting item (3) from the third paragraph of the amendatory language of Section 1 and by substituting instead the following:

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(3) to apply to any employer who employs fewer than one hundred (100) full-time employees on a permanent basis at the job site or location.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Mr. Swann moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1002 by adding the following new language at the end of the amendatory language of Section 1:

The provisions of this act shall not be applicable to any employer until the expiration of any written agreement or contract of collective bargaining which determines terms and conditions of employment between such employer and an employees organization and which is in effect on the effective date of this act.

Ms. Williams moved to amend Amendment No. 2 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 2

Amend Amendment No. 2 by adding the following language at the end of the amendatory language:

If there is no written agreement or contract of collective bargaining at the time of the effective date of this act then the provisions of this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

Mr. Rhinehart moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes	61
Noes	29
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett,

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Bushing, Byrd, Cain, Clark, Collier, Crain, Cross, Davidson, Davis (Gibson), DeBerry, DePriest, Dixon, Ellis, Gaia, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Long, Love, Moore (Lawrence), Naifeh, Napier, Odom, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Severance, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Whitson, Williams, Winningham, Yelton and Mr. Speaker Murray--61.

Representatives voting no were: Bewley, Coffey, Copeland, Curlee, Davis (Cocke), Davis (Knox), Drew, Duer, Frensley, Good, Harrill, Head, Huskey, Lawson, May, McAfee, Montgomery, Moody, Moore (Shelby), Nance, Peroulas, Robinson (Washington), Scruggs, Stafford, Swann, Tankersley, Webb, Wolfe and Wood--29.

Representative present and not voting was: Miller--1.

Ms. Montgomery moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1002 by deleting from the amendatory language of Section 1 the words and figures "four (4) months" and substituting instead the words and figures "two (2) months".

Mr. Naifeh moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes	58
Noes	38

Representatives voting aye were: Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Crain, Cross, Davidson, Davis (Gibson), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Herron, Hillis, Hobbs, Holcomb, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, Naifeh, Odom, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Severance, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Yelton and Mr. Speaker Murray--58.

Representatives voting no were: Bell, Bewley, Collier, Copeland, Curlee, Davis (Cocke), Davis (Knox), Drew, Duer, Frensley, Good, Harrill, Hassell, Hawkins, Head, Henry, Holt, Hurley, Huskey, Ivy, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Napier, Peroulas, Phillips, Robinson (Washington), Scruggs, Shirley, Stafford, Swann, Tankersley, Webb and Wood--38.

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Thereupon, House Bill No. 1002, as amended, passed its third and final consideration by the following vote:

Ayes	74
Noes	19
Present and not voting	3

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Cross, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Gaia, Garrett, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Yelton and Mr. Speaker Murray--74.

Representatives voting no were: Bewley, Collier, Copeland, Crain, Curlee, Davis (Cocke), Frensley, Good, Harrill, Huskey, McAfee, Montgomery, Robinson (Washington), Scruggs, Severance, Stafford, Webb, Wolfe and Wood--19.

Representatives present and not voting were: Duer, Hassell and Head--3.

A motion to reconsider was tabled.

Ms. DeBerry moved that House Bill No. 1182 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Resolution No. 23--Conducting study improving air, railway transportation.

Mr. Ridgeway moved that House Resolution No. 23 be adopted.

Ms. DeBerry moved to amend as follows:

AMENDMENT NO. 1

AMEND House Resolution No. 23 by deleting from the fourth resolving clause the word and figures "April 30, 1988" and substituting instead the word and figures "February 1, 1988".

On motion, the amendment was adopted.

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Thereupon, House Resolution No. 23, as amended, was adopted by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--98.

A motion to reconsider was tabled.

House Joint Resolution No. 109--Joint study on TN's agriculture economy.

Mr. Davis (Gibson) moved that House Joint Resolution No. 109 be adopted.

Ms. DeBerry moved to amend as follows:

AMENDMENT NO. 1

AMEND House Joint Resolution No. 109 by deleting the eighth resolving clause in its entirety and substituting instead the following new resolving clause:

BE IT FURTHER RESOLVED, That the special joint committee shall report its findings and recommendations, including any proposed legislation, to the ninety-fifth general assembly by no later than February 1, 1988, at which time the committee shall cease to exist.

On motion, the amendment was adopted.

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Thereupon, House Joint Resolution No. 109, as amended, was adopted by the following vote:

Ayes	99
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--99.

A motion to reconsider was tabled.

House Bill No. 1103--Bid purchasing.

On motion, House Bill No. 1103 was made to conform with Senate Bill No. 1004.

On motion, Senate Bill No. 1004, on same subject, was substituted for House Bill No. 1103.

Mr. Burnett moved that Senate Bill No. 1004 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1004 by deleting Sections 1-20 of the senate bill as amended in their entirety and by substituting the following:

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 3, Part 2, is amended by deleting it in its entirety and by substituting instead Sections 2 through 16 of this Act as Part 2.

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SECTION 2. Definitions. - As used in Sections 3 through 16 of this Act, unless the context otherwise requires:

(1) "Commissioner" means the Commissioner of the Department of General Services.

(2) "Data" means recorded information, regardless of form or characteristic.

(3) "Department" means the Department of General Services.

(4) "Invitation to Bid" means all documents, whether attached or incorporated by reference, utilized for soliciting bids.

(5) "Multi-Step Sealed Bidding" is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the state, and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered. It is designed to obtain the benefits of competitive sealed bidding by award of a contract to the lowest responsive, responsible bidder, and at the same time obtain the benefits of the competitive sealed proposals procedure through the solicitation of technical offers and the conduct of discussions to evaluate and determine the acceptability of technical offers.

(6) "Responsible Bidder" means a person who has the capacity in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.

(7) "Responsive Bidder" means a person who has submitted a bid which conforms in all material respects to the invitation to bid.

(8) "Specification" means any description of the physical, functional, or performance characteristics, or of the nature of a supply, service, or construction item. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply, service, or construction item for delivery.

(9) "Term Contract" means a contract in which a source or sources of supply are established for a specified period of time at an agreed upon unit price(s).

SECTION 3. Unless otherwise authorized by law, state contracts shall be awarded by competitive sealed bidding by the department pursuant to Section 4, except as provided in:

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- a. Section 5. Informal Purchases (Including Bidding by Telephone)
- b. Section 6. Sole Source Purchases (Including Noncompetitive Negotiation)
- c. Section 7. Emergency Purchases
- d. Section 8. Negotiation with Vendors who Maintain a General Services Administration Price Agreement
- e. Section 10. Purchase of Utilities and Services for which a Rate Has Been Established by a Public Authority
- f. Section 9. Competitive Negotiation
- g. Section 11. Small Purchases and Delegated Purchases

SECTION 4. Competitive Sealed Bidding

a. Multi-step sealed bidding. - Multi-step sealed bidding is required in the acquisition of departmental computer systems involving the purchase of hardware and the development of application software.

Multi-step sealed bidding may be used, subject to approval of the board of standards, when it is not practical to prepare initially definitive specifications which will be suitable to permit an award based upon price.

Discussions conducted for the purposes of facilitating understanding of technical offers and specifications may result in the obtaining of supplemental information, amendments of technical offers, and/or amendments of the specifications.

Acceptability of technical offers shall be determined by an evaluation team consisting of user agency personnel and others as determined by procedures of the department approved by the board of standards.

b. Bid invitations and bid opening. - The department shall mail a copy of the invitation to bid to qualified bidders on the mailing list, as provided in Section 12-3-703, Tennessee Code Annotated. All bids received by the department shall be publicly opened and examined at the time and place specified in the invitation to bidders. A copy of the bid tabulation shall be furnished at no cost to any citizen upon request therefor. Any and all bids may be rejected by the commissioner pursuant to the provisions of Subsection (i) of this section.

c. Correction or withdrawal of bids. - Cancellation of awards.

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(1) Correction or withdrawal of inadvertently erroneous bids, before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted in accordance with the rules and regulations of purchasing as approved by the board of standards.

(2) After bid opening no changes in bid prices or other provisions of bids prejudicial to the interest of the state or fair competition shall be permitted.

(3) Except as otherwise provided by regulation, all decisions to permit the correction or withdrawal of bids, or cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the commissioner.

d. Evaluation of Technical Offers and Bids - Technical offers and bids shall be evaluated based on the requirements set forth in the invitation to bid which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable (quantifiable) and shall include, wherever practical, factors other than the initial purchase price. Such factors may include, but are not limited to, costs of training and conversion, the energy consumption and the projected cost of energy over the useful life of the product, and the anticipated resale or salvage value of the product. The Invitation to Bid shall set forth the evaluation criteria to be used. No criteria or factors may be used in bid evaluation that are not set forth in the invitation to bid.

e. Inspection Prior to Award. After bid evaluation, all data relating to the procurement shall be made available for inspection to each bidder on the procurement, upon request. The Department shall award no contract without providing bidders a reasonable opportunity for such inspection. Whenever multi-step sealed bidding is utilized, the Department shall provide not less than five (5) working days for such inspection. The Department shall establish procedures for providing such inspection.

f. Award. - Each contract shall be awarded and let by the commissioner in the name of the State of Tennessee with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation to bid.

g. Every invitation to bid issued for the purpose of establishing a term contract or contracts shall include the total estimated purchase requirements by agencies of state government for the current contract period, if applicable, and for the new contract period. More than one

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term contract may be let for the supply of any given class or type of supplies, equipment, or service and any term contract may provide for the cancellation thereof by either party. Term contracts executed or proposed to be executed for periods of time of more than twelve (12) months shall be subject to the rules of the department, as approved by the board, and meet the following conditions:

1. Such term contracts must contain a provision giving the state the right of cancellation at any time with no more than one (1) year's notice, and at the end of any fiscal year without notice, in the event that funds to support the contract become unavailable.

2. No term contract may be let for periods of time in excess of sixty (60) months.

h. Certification of Sources of Supply. - After term contracts have been awarded, the commissioner shall certify to the several departments, institutions, and agencies of the state government the sources of supply and the contract price of the various supplies, materials, and equipment so contracted for. It shall be unlawful for any state department, institution, or agency to purchase any supplies, material, or equipment covered thereby from any sources other than those certified by the commissioner, except as otherwise provided in this chapter.

i. Rejection by commissioner of all bids. - Whenever the commissioner proposes to reject all bids for a certain purchase, such action shall be taken only for the following reasons: unreasonably high prices; error in invitation to bid; cessation of need; unavailability of funds; or any other reason approved by the board of standards.

j. Bid and performance bonds. - Bid and performance bonds or other security may be required for any contract. Any such requirement must be set forth in the invitation to bid. The department shall promulgate rules establishing the requirements for the use and appropriate amount of such bonds or other security.

SECTION 5. Informal Purchases - Telephone Bids. - The board of standards may grant the director of purchases authority to establish an informal purchasing procedure, including the solicitation of telephone bids, for purchases not exceeding the amount established by the board of standards, said amount not to exceed five thousand dollars (\$5,000), if the board of standards unanimously agrees upon said amount, or not to exceed two thousand dollars (\$2,000), if the board does not unanimously agree on a higher amount; provided, however, that purchasing requirements shall not be artificially divided so as to constitute a small purchase under this section.

SECTION 6. Sole Source Procurement - Noncompetitive Negotiation Authorized. - The commissioner shall identify goods or services which may not be procured by competitive means because of the existence of a single source of supply. The commissioner shall submit to the board of standards for approval rules and regulations prescribing the manner in which such procurement may be accomplished which may include noncompetitive negotiation. Sole source goods and services shall be purchased only in accordance with said rules.

SECTION 7. Emergency Purchases. - The commissioner is authorized to purchase for any department, institution, or agency of the state government in the open market specific supplies, materials, and equipment for immediate delivery to meet emergencies, arising from any unforeseen cause, including, but not limited to, delays by contractors, delays in transportation, unanticipated volume of work, and acts of God. The authority to so purchase may be delegated by the commissioner to any department, institution, or agency of the state government; provided, however, that a report on the circumstances of any such emergency and the activities of such department, institution, or agency thereunder shall be transmitted in writing as soon as possible by such department, institution, or agency to the commissioner, which report shall set forth the prices at which such commodities were purchased and the total amount of the purchase thereof and the commissioner shall keep the same on file in the permanent records of his officer. All emergency purchases shall, if practicable, be made on the basis of competitive bids.

SECTION 8. Negotiation with Vendors - General Services Administration Price Agreement. - In accordance with rules of the department approved by the board of standards, the commissioner is authorized to negotiate with vendors who maintain a general services administration pricing agreement with the United States of America or any agency thereof; provided, however, that no contract executed under this provision shall authorize a price higher than is contained in the contract between the general services administration and the vendor affected.

SECTION 9. Except as provided in Sections 8 and 10 of this Act and as otherwise provided by law, a contract may be entered into by competitive negotiation only in cases when the state is unable to obtain needed goods and/or services by competitive sealed bid. Each use of competitive negotiation shall be in accordance with rules of the department approved by the board of standards.

SECTION 10. Utilities - Service Contracts. - Subject to rules of the department approved by the board of standards, the department shall purchase or contract for all telephone, telegraph, electric light, gas, power, postal, and other services for which a rate for the use thereof has been established by a public authority, in such manner as the commissioner deems to be in the best interest of the state of Tennessee.

SECTION 11. Small Purchases and Delegated Purchases. - Any procurement not exceeding one thousand dollars (\$1,000) for which a source of supply has not otherwise been established, shall be made without requisitioning such goods or services through the department; provided, however, that procurement requirements shall not be artificially divided so as to constitute a small purchase under this section. The commissioner shall have the power, subject to the approval of the board of standards, to authorize any or all state departments, institutions, or agencies, to purchase all or any specific types and classes of commodities or services, without following the procedures herein prescribed relating to the requisitioning of such commodities through the department. It is intended that delegation of purchasing authority may be made by agency, by type of commodity or service or by dollar amount of formal or informal purchase, or by any combination thereof. The board of standards shall consider the individual agency's purchasing record in these delegations and shall periodically review purchasing activities of any agency granted such delegation and may reduce or revoke such delegated purchasing authority.

All purchases authorized and made by said departments, institutions, and agencies under the provision of this section, and the authority granted by the commissioner as therein provided which exceed one hundred dollars (\$100.00), or a higher amount if the board of standards unanimously agrees upon said amount, shall, whenever practical, be based upon at least three (3) competitive bids and be made in accordance with the provisions of this chapter and the purchasing rules and regulations as approved by the board of standards. Whenever an order or contract for such purchases is awarded for any department, institution, or agency of state government, a copy of such order or contract shall be forwarded to the department through the department of finance and administration, division of accounts.

SECTION 12. Requirement to Furnish Data. - It shall be the duty of all agencies of state government to furnish to the department upon request, data relating to purchases and purchase estimates.

SECTION 13. Receiving Reports. - When any supplies, materials, and equipment are received by any state departments, institution or agency, the receiving agent therefor shall make a written certification that the supplies, materials or equipment received were equal in quality and quantity to those requisitioned or ordered, which certification shall accompany the voucher directing the payment therefor. No warrant shall be issued in payment of any voucher not accompanied by such a certification.

SECTION 14. Records of Purchases Open to Public. - All records of purchases of the department and all records of the board of standards shall be open and accessible to the public during the regular office hours of the department, when such inspections do not interfere with the orderly operation of the department.

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SECTION 15. Authority to Resolve Protested Bids, Bid Process or Procedures, and Awards.

(1) Right to Protest. Any actual or prospective bidder who claims to be aggrieved in connection with a bid, the bid process, or a pending award of a contract may protest to the commissioner. The protest shall be submitted in writing within ten (10) days after such claimant knows or should have known of the facts giving rise to the protest. In the case of a pending award, a stay of award in accordance with subsection 3 of this section may be requested.

(2) Authority to Resolve Protests.

(a) The commissioner shall have the authority, prior to the commencement of an action in court concerning the controversy, to settle and resolve a protest of a bidder or vendor, actual or prospective, concerning a bid, the bid process, or a pending award of a contract. This authority shall be exercised in accordance with rules and procedures approved by the board of standards. The final determination of the commissioner shall be given in writing and submitted to the protester and the board of standards.

(b) If a protest is not resolved by mutual agreement, the protester shall have the right to request a hearing before the board of standards itself. The request for a hearing before the board of standards shall be made in writing and within ten (10) days of the date of the final determination by the commissioner.

(c) The results of the hearing by the board of standards shall be reported in writing to the protester.

(3) Stay of Procurements During Protests. Prior to the award of a contract, bidders may submit to the commissioner a written petition for stay of award. Such stay shall become effective upon receipt by the state. The state shall not proceed further with the bid process or with the award of the contract until the protest has been resolved in accordance with this section, unless the board of standards makes a written determination that continuation of the bid process or the award of the contract without delay is necessary to protect substantial interests of the state. It shall be the responsibility of the commissioner with the assistance of the procuring agency to seek such a determination by the board of standards.

(4) Protests Subsequent to Award. The Tennessee Claims Commission shall have exclusive jurisdiction to determine all monetary claims against the state under this section for the negligent deprivation of statutory or constitutional rights.

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SECTION 16. Ascertainment of Availability of Funds. - The department shall not honor or act upon any requisitions from any state department, institution, or agency until first having ascertained from the commissioner of finance and administration or other responsible official the availability of funds to cover the proposed expenditure.

SECTION 17. Section 12-3-107, Tennessee Code Annotated, is amended by adding to said section the following subsections:

(15) Prescribing procedures for conducting discussions and negotiations, particularly with respect to participants and safeguarding of information, in the case of multi-step sealed bidding and competitive negotiation.

(16) Prescribing procedures to be followed in making data available to bidders.

(17) Prescribing procedures to be followed by using agencies in requisitioning goods and/or services through the department.

SECTION 18. Section 12-3-506, Tennessee Code Annotated, is amended by deleting said section in its entirety.

SECTION 19. Section 12-3-502, is amended by deleting said section in its entirety and by substituting therefor the following:

12-3-502. Specifications to permit competitive bidding. - Wherever possible, all specifications for materials, supplies and equipment to be purchased by the state of Tennessee or any of its departments, institutions, or agencies shall be worded or designed so as to permit open and competitive bidding for the supplying of the article or commodities to which they apply; and all proprietary specifications shall be developed in accordance with rules of the department approved by the board of standards.

SECTION 20. Subdivision (7) of subsection (a) of Section 10-7-504, Tennessee Code Annotated, is amended by deleting it in its entirety and substituting therefor the following:

"Proposals received pursuant to personal service, professional service, and consultant service contract regulations, and related records, including evaluations and memoranda shall be available for public inspection only after the completion of evaluation of same by the state. Sealed bids for the purchase of goods and services, and leases of real property, and individual purchase records, including evaluations and memoranda relating to same, shall be available for public inspection only after the completion of evaluation of same by the state."

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SECTION 21. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 22. Subsections (a) and (d) of section 4 shall take effect upon becoming law, the public welfare requiring it. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming law; for all other purposes, this act shall take effect on July 1, 1987, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Dixon moved to amend as follows:

AMENDMENT NO. 2

AMEND Senate Bill No. 1004 by inserting the following language as a new section immediately preceding the effective date section and by renumbering such effective date section accordingly:

Section __. Notwithstanding the provisions of any law to the contrary, the commissioner of the department of general services is hereby authorized to establish by rules promulgated in accordance with the provisions of the uniform administrative procedures act, Tennessee Code Annotated, Title 4, Chapter 5, a minority purchasing program for state government. Any such program shall encourage development of minority-owned business concerns in Tennessee by insuring that up to ten percent (10%) of purchases by state government are made with such business concerns.

Mr. Burnett moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes	47
Noes	39
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett.

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Byrd, Chiles, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DePriest, Good, Hawkins, Head, Hillis, Hobbs, Holt, Hurley, Ivy, Jackson, Jared, Kent, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Odom, Purcell, Rhinehart, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Stallings, Tanner, Ussery, Wheeler, Winningham, Wix, Wood, Yelton and Mr. Speaker Murray--47.

Representatives voting no were: Bewley, Bushing, Cain, Clark, Davis (Cocke), DeBerry, Dixon, Duer, Ellis, Frensley, Harrill, Hassell, Henry, Holcomb, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Lawson, Long, Love, May, Miller, Moody, Peroulas, Pruitt, Ridgeway, Robinson (Hamilton), Scruggs, Stafford, Swann, Tankersley, Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Williams and Wolfe--39.

Representative present and not voting was: Whitson--1.

Thereupon, Senate Bill No. 1004, as amended, passed its third and final consideration by the following vote:

Ayes	76
Noes	18
Present and not voting	2

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Drew, Ellis, Frensley, Garrett, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holt, Hurley, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Long, Love, McAfee, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Stafford, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Winningham, Wix, Wood, Yelton and Mr. Speaker Murray--76.

Representatives voting no were: Bewley, Dixon, Duer, Harrill, Holcomb, Huskey, Kent, Lawson, May, Montgomery, Pruitt, Scruggs, Severance, Swann, Tankersley, Webb, Williams and Wolfe--18.

Representatives present and not voting were: Coffey and Good--2.

A motion to reconsider was tabled.

House Joint Resolution No. 63--Create Joint Committee Campaign funding.

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Mr. Scruggs moved that House Joint Resolution No. 63 be adopted.

Ms. DeBerry moved to amend as follows:

AMENDMENT NO. 1

Amend House Joint Resolution No. 63 by deleting from the first resolving clause the words "three members" wherever they appear and substituting instead the words "five members".

AND FURTHER AMEND by deleting from the fourth resolving clause the word and figures "January 15, 1988" and substituting instead the word and figure "February 1, 1988".

On motion, the amendment was adopted.

Ms. DeBerry moved to amend as follows:

AMENDMENT NO. 2

Amend House Joint Resolution No. 63 by deleting from the first sentence of the first resolving clause the word "financing" and substituting instead the words "financing including, but not limited to, fund raising by individuals and political caucuses".

On motion, the amendment was adopted.

Thereupon, House Joint Resolution No. 63, as amended, was adopted by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frenley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Long, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

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A motion to reconsider was tabled.

House Bill No. 1038--Broaden definition of term "club".

On motion, House Bill No. 1038 was made to conform with Senate Bill No. 706.

On motion, Senate Bill No. 706, on same subject, was substituted for House Bill No. 1038.

Mr. Wheeler moved that Senate Bill No. 706 be passed on third and final consideration.

Mr. Swann moved to amend as follows:

AMENDMENT NO. 1

AMEND Senate Bill No. 706 by deleting all of the language added by Senate Amendment #5 and by substituting instead the following:

by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

Section __. The provisions of this act shall not apply in any county having a population of not less than 77,700 nor more than 77,800 according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Swann moved to amend as follows:

AMENDMENT NO. 2

AMEND Senate Bill No. 706 by adding the following new section immediately preceding the effective date section and by renumbering the subsequent section accordingly:

Section __. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void.

Mr. Wheeler moved that the Amendment No. 2 be tabled, which motion prevailed by the following vote:

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Ayes	48
Noes	39
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Burnett, Bushing, Byrd, Clark, Collier, Cross, Davidson, DeBerry, Dixon, Drew, Ellis, Garrett, Henry, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Long, Love, Miller, Naifeh, Odom, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Tanner, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix and Mr. Speaker Murray--48.

Representatives voting no were: Buck, Cain, Coffey, Copeland, Crain, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Frensley, Good, Harrill, Hawkins, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Lawson, May, McAfee, Montgomery, Moody, Moore (Lawrence), Peroulas, Robinson (Washington), Scruggs, Severance, Stafford, Swann, Tankersley, Turner, C. (Shelby), Wolfe, Wood and Yelton--39.

Representatives present and not voting were: Hassell and Moore (Shelby)--2.

Mr. Scruggs moved to amend as follows:

AMENDMENT NO. 3

AMEND Senate Bill No. 706 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

SECTION __. Tennessee Code Annotated, Section 57-4-102(h)(4), is amended by inserting between the words "park service" and "and is located" the words "or its agents or contractors,".

On motion, the amendment was adopted.

Mr. Tankersley moved to amend as follows:

AMENDMENT NO. 4

AMEND Senate Bill No. 706 by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

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Section ____ The provisions of this act shall not apply in any county having a population of not less than 74,500 nor more than 74,600 according to the the 1980 federal census of population or any subsequent federal census.

Mr. Naifeh moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes	38
Noes	37
Present and not voting	7

Representatives voting aye were: Bell, Bivens, Bragg, Burnett, Cain, Cross, Davidson, DeBerry, Dixon, Gaia, Garrett, Head, Hillis, Ivy, Jared, Jones, R. (Shelby), Kent, Kernell, King, Love, Miller, Moore (Lawrence), Naifeh, Odom, Phillips, Purcell, Rhinehart, Severance, Stallings, Starnes, Tanner, Turner (Hamilton), West, Wheeler, Williams, Winningham, Wix and Mr. Speaker Murray--38.

Representatives voting no were: Bewley, Byrd, Coffey, Crain, Curlee, Davis (Gibson), Davis (Knox), Duer, Ellis, Frensley, Harrill, Hassell, Henry, Hobbs, Holcomb, Holt, Hurley, Jackson, Lawson, May, McAfee, Montgomery, Nance, Peroulas, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shirley, Stafford, Swann, Tankersley, Turner, C. (Shelby), Ussery, Webb, Wolfe, Wood and Yelton--37.

Representatives present and not voting were: Buck, Clark, Good, Moore (Shelby), Robinson (Washington), Turner, L. (Shelby) and Whitson--7.

Ms. DeBerry moved the previous question, which motion prevailed by the following vote:

Ayes	65
Noes	25
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Chiles, Clark, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Ellis, Frensley, Gaia, Garrett, Hassell, Head, Hillis, Hobbs, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R.

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(Shelby), Jones, U. (Shelby), Kent, Kernell, King, Long, Love, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Tanner, Turner (Hamilton), Turner, L. (Shelby), West, Wheeler, Whitson, Williams, Winningham, Wix, Wood and Mr. Speaker Murray--65.

Representatives voting no were: Bewley, Coffey, Curlee, Davis (Knox), Duer, Harrill, Hawkins, Henry, Holcomb, Lawson, May, McAfee, Montgomery, Moody, Stafford, Stallings, Starnes, Swann, Tankersley, Turner, C. (Shelby), Ussery, Webb, Wolfe, Wood and Yelton--25.

Representative present and not voting was: Good--1.

Thereupon, Senate Bill No. 706, as amended, failed to receive a constitutional majority by the following vote:

Ayes	44
Noes	43
Present and not voting	2

Representatives voting aye were: Bivens, Bragg, Burnett, Bushing, Cain, Chiles, Clark, Davidson, DeBerry, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Hassell, Jared, Jones, R. (Shelby), Kent, Kernell, King, Love, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Tanner, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams and Wix--44.

Representatives voting no were: Bell, Bewley, Buck, Byrd, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Gibson), Davis (Knox), DePriest, Duer, Harrill, Hawkins, Henry, Hobbs, Holcomb, Holt, Hurley, Ivy, Jackson, Lawson, May, McAfee, Montgomery, Moody, Nance, Ridgeway, Robinson (Washington), Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner, C. (Shelby), Ussery, Winningham, Wolfe, Wood and Yelton--43.

Representatives present and not voting were: Good and Odom--2.

Under the rules, Senate Bill No. 706 was re-referred to the Committee on Calendar and Rules.

FURTHER CONSIDERATION OF HOUSE BILL NO. 715

House Bill No. 715--Real Estate sold for debt.

Mr. Jones, R. (Shelby) moved that House Bill No. 715 be passed on third and final consideration.

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Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 715 by deleting the entire bill after the enacting clause and substituting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Section 66-8-114 is amended by adding the following language at the end thereof:

"In any suit to enforce such a right of redemption brought by a transferee from the debtor: (i) the debtor shall be made a party; (ii) the suit shall be dismissed on the motion of any party if it appears that the transferee is engaged in speculation or profiteering in such rights of redemption; (iii) such speculation and profiteering shall be presumed if it appears that the transfer of the right of redemption was made for a consideration less than the fair market value of the real property minus the amount the debtor would have been required to pay to redeem the property under this chapter; and (iv) the party seeking to redeem the real property shall complete the tender required by this chapter by paying the amount required for redemption to the clerk of the court."

SECTION 2. It is the intent of this chapter to further the public policy of the state to protect the interests of owners of real property subject to debt and to prohibit the profiteering and speculation in rights of redemption.

SECTION 3. The purpose of this statute is remedial and it shall be construed to apply to any existing rights of redemption.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

Mr. Tanner moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by adding the following sentence at the end of Section 3 of Amendment No. 1:

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"This act, however, shall not apply to any rights of redemption arising out of judicial foreclosures or tax sales."

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Mr. Severance moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 715 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 319,625 nor more than 319,725 according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Copeland moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 715 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 287,700 nor more than 287,800 according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Thereupon, House Bill No. 715, as amended, passed its third and final consideration by the following vote:

Ayes	68
Noes	18
Present and not voting	6

Representatives voting aye were: Bell, Bewley, Bivens, Bragg,

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Buck, Bushing, Byrd, Cain, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Frensley, Garrett, Good, Hassell, Henry, Hillis, Huskey, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, Miller, Montgomery, Moody, Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Stafford, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix and Mr. Speaker Murray--68.

Representatives voting no were: Burnett, Davis (Gibson), Harrill, Hawkins, Head, Hobbs, Holt, Hurley, Ivy, Jackson, Long, Moore (Lawrence), Severance, Shirley, Tankersley, Turner, L. (Shelby), Ussery and Wood--18.

Representatives present and not voting were: Coffey, Copeland, Holcomb, McAfee, Wolfe and Yelton--6.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF SENATE BILL NO. 669

Senate Bill No. 669--Physicians, workers' compensation.

Mr. Stafford moved that his previous rejection motion be withdrawn, which motion prevailed.

Under the rules, Senate Bill No. 669 was re-referred to the Committee on Calendar and Rules.

FURTHER CONSIDERATION OF HOUSE BILL NO. 713

House Bill No. 713--Investment certain public pension.

Mr. Jones, R. (Shelby) moved that House Bill No. 713 be passed on third and final consideration.

Mr. Jones, R. (Shelby) moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 713 by deleting Sections 1 and 2 of the bill in their entireties and by substituting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Section 8-37-104, is amended by adding the following language as a new, appropriately designated subsection:

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() (1) After July 1, 1987, no funds under the investment authority of the board of trustees of Tennessee consolidated retirement system shall knowingly remain invested in any bank or financial institution which directly or through its subsidiaries has originated loans to the Republic of South Africa or its instrumentalities. The treasurer shall rely on a written statement by the chief operating officer of a bank or financial institution with respect to whether such bank or financial institution has originated loans to the Republic of South Africa or its instrumentalities.

() (2) In addition to any investment restrictions adopted by the board of trustees, no funds under the investment authority of the board of trustees of the Tennessee consolidated retirement system after July 1, 1987 shall knowingly remain invested in stocks, securities or other obligations of any United States company or firm which has a direct investment in the Republic of South Africa or its instrumentalities if more than one percent (1%) of the assets of the parent company's total domestic and foreign assets are maintained in the Republic of South Africa or its instrumentalities. In determining whether a United States company or firm maintains more than one percent (1%) of its assets in the Republic of South Africa or its instrumentalities, the treasurer shall rely upon information published by the Investor's Responsibility Research Center; provided, however, that a United States company or firm shall be deemed not to have a direct investment in South Africa or its instrumentalities if such company or firm publically announces its intent to withdraw or otherwise liquidate its investments in the Republic of South Africa or its instrumentalities.

(A) In making a determination of whether a United States company or firm has direct investments in the Republic of South Africa or its instrumentalities, the treasurer shall rely upon information reported by the Investor's Responsibility Research Center. In the event that such organization ceases to exist or ceases to publish such information, the treasurer shall rely on the last information published by such organization.

(B) A United States company or firm shall be deemed to have a direct investment in the Republic of South Africa or its instrumentalities if such United States company or firm owns ten percent (10%) or more of an active South African subsidiary or affiliate.

() (3) The Republic of South Africa or its instrumentalities shall be defined as:

(A) the Republic of South Africa and any agency owned or controlled by the government of South Africa;

(B) any territory under the administration, legal or illegal, of the Republic of South Africa; and

(C) the "bantustans" or "homelands" to which South African blacks are assigned on the basis of ethnic origin, including but not limited to the Transkei, Bophuthatswana, the Ciskei and Venda.

() (4) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, if sound investment policy so requires, the sale of such investments may be distributed over a period not exceeding one (1) year. As long as any funds do remain invested in any United States bank, financial institution, company or firm as described in this subsection, a report shall annually, on or before January 31, be filed by the board of trustees of the Tennessee consolidated retirement system with the clerk of the Senate and the clerk of the House of Representatives listing all South African-related investments and assets held by the Tennessee consolidated retirement system and the book and market value thereof as of the preceding December 31st.

SECTION 2. This act shall take effect on becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Dixon moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 713 by adding the following new subsection to the amendatory language of Section 1:

() Within sixty (60) days of the effective date of this act for current employees and within sixty (60) days of any subsequent enrollment of persons in the consolidated retirement system, the division of retirement in the office of the state treasurer shall prepare and distribute a form to each member of the Tennessee consolidated retirement system who is making contributions thereto, or on whose behalf contributions are made. Such form shall notify each such person that retirement system funds are invested in companies or corporations that invest or do business with the Republic of South Africa or its instrumentalities. Such form shall have a place thereon whereby each such person may indicate that he or she does not want any funds he or she is contributing or that are contributed for such person to the retirement system to be invested in any company or

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corporation that invests or does business with the Republic of South Africa or its instrumentalities. Upon receiving the notice forms from persons contributing to, or on whose behalf contributions are made, to the retirement system, the consolidated retirement system board of trustees shall invest the portion of retirement system money contributed by or on behalf of members who do not want their money invested in companies or corporations investing in or doing business with the Republic of South Africa or its instrumentalities in other companies or corporations.

Mr. Rhinehart moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes	53
Noes	26
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Cain, Collier, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Ellis, Frensley, Gaia, Good, Head, Hillis, Hobbs, Holt, Ivy, Jared, Kent, Long, Love, McAfee, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Nance, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Shirley, Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wood, Yelton and Mr. Speaker Murray--53.

Representatives voting no were: Byrd, Davis (Knox), Dixon, Drew, Harrill, Hawkins, Henry, Holcomb, Hurley, Huskey, Jackson, Kernell, King, Lawson, May, Miller, Odom, Peroulas, Pruitt, Severance, Stafford, Swann, Tankersley, Turner, C. (Shelby), Williams and Wolfe--26.

Representatives present and not voting were: Crain and Robinson (Hamilton)--2.

Thereupon, House Bill No. 713, as amended, passed its third and final consideration by the following vote:

Ayes	71
Noes	20
Present and not voting	1

Representatives voting aye were: Bewley, Bivens, Bragg, Buck, Burnett,

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Bushing, Byrd, Cain, Clark, Collier, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Henry, Hillis, Holcomb, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, Miller, Naifeh, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Yelton and Mr. Speaker Murray--71.

Representatives voting no were: Bell, Copeland, Crain, Davis (Gibson), Duer, Harrill, Hawkins, Head, Hobbs, Holt, May, McAfee, Montgomery, Moody, Moore (Lawrence), Robinson (Washington), Stafford, Ussery, Wolfe and Wood--20.

Representative present and not voting was: Moore (Shelby)--1.

A motion to reconsider was tabled.

House Bill No. 815--Compensation Safety Officers.

Mr. Burnett moved that House Bill No. 815 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 815 by deleting all the language following the enacting clause, and by substituting instead the following:

SECTION 1: Tennessee Code Annotated, 4-7-206(e) is deleted in its entirety. Current subsection (f) is redesignated subsection (e).

SECTION 2: This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 815, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck,

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Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

Mr. Bragg moved that House Bill No. 184 be placed on the Calendar for Wednesday, May 6, 1987, which motion prevailed.

Mr. King moved that House Bill No. 39 be placed on the Calendar for Wednesday, May 6, 1987, which motion prevailed.

House Bill No. 425--Children and Youth.

On motion, House Bill No. 425 was made to conform with Senate Bill No. 275.

On motion, Senate Bill No. 275, on same subject, was substituted for House Bill No. 425.

Ms. DeBerry moved that Senate Bill No. 275 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 275 by adding a new section immediately preceding the enactment clause to be appropriately numbered and to read as follows:

Section () Tennessee Code Annotated, Section 3-2-107 (a) (1) is amended by adding a new paragraph to read as follows:

Any employee of the state who knowingly furnishes erroneous information and/or knowingly withholds pertinent information which is or would be used in preparation of a fiscal note on a proposed bill or resolution, or bill or resolution or amendment thereto, shall be subject to dismissal upon a finding by the appointing authority that such an infraction has occurred.

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Any career state employee disciplined as a result of this act shall have the right to appeal afforded by Tennessee Code Annotated, Title 8, Chapter 30.

Mr. Burnett moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	41
Noes	33
Present and not voting	5

Representatives voting aye were: Bragg, Buck, Burnett, Bushing, Byrd, Cain, Collier, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Drew, Duer, Gaia, Garrett, Hawkins, Holt, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Love, May, Naifeh, Odom, Peroulas, Phillips, Purcell, Ridgeway, Robinson (Washington), Stallings, Starnes, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Williams and Wood--41.

Representatives voting no were: Bell, Bewley, Copeland, Cross, Curlee, Davidson, Davis (Gibson), DePriest, Harrill, Hassell, Henry, Hillis, Hobbs, Holcomb, Hurley, Huskey, Jared, Kernell, Lawson, Long, Montgomery, Moody, Moore (Shelby), Rhinehart, Scruggs, Stafford, Swann, Tankersley, Ussery, Whitson, Winningham, Wix and Wolfe--33.

Representatives present and not voting were: Crain, Good, Miller, Robinson (Hamilton) and Severance--5.

Thereupon, Senate Bill No. 275 passed its third and final consideration by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

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A motion to reconsider was tabled.

On motion of Mr. Whitson, House Joint Resolutions Nos. 250 and 251 were withdrawn from the House.

Mr. Whitson moved that the rules be suspended for the purpose of considering Senate Joint Resolutions Nos. 149 and 150 for immediate consideration, which motion prevailed.

Senate Joint Resolution No. 149--Relative to study alternative routes, Career Ladder Status.

Mr. Whitson moved that Senate Joint Resolution 149 be concurred in, which motion prevailed by the following vote:

Ayes	91
Noes	1
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Long, Love, May, McAfee, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--91.

Representative voting no was: Henry--1.

Representative present and not voting was: Montgomery--1.

Senate Joint Resolution No. 150--Relative to study, contract programs, Education.

Mr. Whitson moved that Senate Joint Resolution No. 150 be concurred in, which motion prevailed by the following vote:

Ayes	94
Noes	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier,

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Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Long, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

Representative voting no was: Henry--1.

A motion to reconsider was tabled.

House Bill No. 457--Communication Psychiatrists and Patients.

On motion, House Bill No. 457 was made to conform with Senate Bill No. 552.

On motion, Senate Bill No. 552, on same subject, was substituted for House Bill No. 457.

Mr. Starnes moved that Senate Bill No. 552 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 552 by deleting item (3) of Section 1, subsection (A) and adding the following items to Section 1(a):

(3) in proceedings to involuntarily hospitalize the patient under Section 33-6-103 or 33-6-104 if the psychiatrist decides that the patient is in need of care and treatment in a residential facility. Unless otherwise ordered by the court, the exception is limited to disclosures necessary to establish that the patient poses a substantial likelihood of serious harm requiring involuntary hospitalization under Section 33-6-103 or 33-6-104; and

(4) in proceedings in which the psychiatrist, his staff, or associates are charged with wrongful conduct in providing service to the patient.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 552, as amended, passed its third and final consideration by the following vote:

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Ayes 95
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

House Joint Resolution No. 155--Committee for State Officers in Rural Areas.

Mr. Ridgeway moved that House Joint Resolution No. 155 be adopted.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Joint Resolution No. 155 by inserting the following language in the caption after the words "rural areas":

and to include in such study the adequacy of or need for additional state office space in urban areas

AND FURTHER AMEND by adding the following new clause to the preamble immediately preceding the final clause of the preamble:

WHEREAS, as a part of such feasibility study, it is essential that the committee investigate the continuing need for office space in the urban areas to determine whether the urban are provided with adequate, comprehensive office space to meet the ever-expanding demands for services arising in the metropolitan areas of this state; and

AND FURTHER AMEND by inserting the following language in the final clause of the preamble following the word "state":

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as well as providing information on the adequacy of office space in the urban areas

AND FURTHER AMEND by inserting the following language in the first resolving clause after the word and punctuation "state,":

to determine whether urban areas need additional or more comprehensive office space,

On motion, the amendment was adopted.

Mr. Ridgeway moved to amend as follows:

AMENDMENT NO. 2

Amend House Joint Resolution No. 155 by deleting from the final resolving clause the words, symbols, and figures "April 30, 1988," and by substituting instead the following:

"February 1, 1986".

On motion, the amendment was adopted.

Thereupon, House Joint Resolution No. 155, as amended, was adopted by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--92.

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A motion to reconsider was tabled.

OBJECTION -- CONSENT CALENDAR

Objection was filed to the following bill on the Consent Calendar:

Mr. Cross objected to House Bill No. 1251.

Mr. Wix moved that House Bill No. 1251 be referred to the Committee on Judiciary.

CONSENT CALENDAR

House Joint Resolution No. 309--Pi Kappa Phi "Push" Weekend.

House Joint Resolution No. 310--Recognize Mary Robin Bonner.

House Joint Resolution No. 311--Honoring memory Elvis Presley.

House Joint Resolution No. 312--Honoring St. Jude Children's Research Hospital.

House Joint Resolution No. 313--Congratulating Sandra Cambeilh.

House Joint Resolution No. 314--Congratulating Mrs. Marge Morrison Jacobs.

Senate Joint Resolution No. 179--Honoring Ruth Golden.

Senate Joint Resolution No. 182--Commending Pamela Kay Blair.

House Bill No. 1252--Sumner County Safety Program.

On motion, House Bill No. 1252 was made to conform with Senate Bill No. 1256.

On motion, Senate Bill No. 1256, on same subject, was substituted for House Bill No. 1252.

House Bill No. 1292--Tax rate levied McKenzie.

House Bill No. 1294--Tax rates West Carroll.

House Bill No. 1296--Smith County Automobile Graveyards.

Mr. Phillips moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

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Ayes 96
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winingham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF SENATE BILL NO. 25

Senate Bill No. 25--To regulate collection of certain taxes.

Mr. Copeland moved that the motion to reconsider Senate Bill No. 25 be lifted from the table, which motion prevailed.

Mr. Copeland moved that the House reconsider its action in passing Senate Bill No. 25 on third and final consideration, as amended, which motion prevailed.

Mr. Copeland moved that the House reconsider its action in adopting Amendment No. 2, which motion prevailed.

Mr. Copeland moved that Amendment No. 2 be withdrawn, which motion prevailed.

Thereupon, Senate Bill No. 25, as amended, passed its third and final consideration by the following vote:

Ayes 91
Noes 0
Present and not voting 1

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett,

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Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--91.

Representative present and not voting was: Bragg--1.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1238--Fee on licensing motor vehicles.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1238 by deleting from the amendatory language of Section 1 the second sentence thereof which reads as follows:

The proceeds of such fee shall be allocated to fund the compensation schedule established pursuant to Tennessee Code Annotated, Title 4, Chapter 7, Part 2.

Mr. Rhinehart moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	91
Noes	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, Kisber,

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Lawson, Long, Love, May, McAfee, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--91.

Representatives voting no were: Montgomery and Robinson (Washington)--2.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 326

House Joint Resolution No. 326--Banking Sub-committee.

Mr. Wheeler moved that the motion to reconsider House Joint Resolution No. 326 be lifted from the table, which motion prevailed.

Mr. Wheeler moved that the House reconsider its action in adopting House Joint Resolution No. 326 on third and final consideration, as amended, which motion prevailed.

Mr. Wheeler moved that House Joint Resolution No. 326 be withdrawn, which motion prevailed.

Mr. Wheeler moved that the rules be suspended for the purpose of introducing House Resolution No. 44 out of order, which motion prevailed.

House Resolution No. 44--Authorizing Banking Sub-Committee--By Wheeler.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Wheeler, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Hillis moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 347 out of order, which motion prevailed.

House Joint Resolution No. 347--Confirm appointment Ed Porter--By Hillis, Rhinehart and Naifeh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Hillis, the resolution was referred to the Committee on Conservation and Environment.

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Mr. Hillis moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 348 out of order, which motion prevailed.

House Joint Resolution No. 348--Confirming appointment Robert S. Cockroft--By Herron, Ridgeway, Hillis and Naifeh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Hillis, the resolution was referred to the Committee on Conservation and Environment.

Mr. Hillis moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 350 out of order, which motion prevailed.

House Joint Resolution No. 350--Confirming appointment John T. Akin, II--By Herron, Tanner, Hillis and Naifeh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Hillis, the resolution was referred to the Committee on Conservation and Environment.

Mr. West moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 343 out of order, which motion prevailed.

House Joint Resolution No. 343--Recognizing 75th Anniversary Goo Goo Cluster--By West.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. West, the resolution was adopted.

A motion to reconsider was tabled.

Ms. Bushing moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 37 out of order, which motion prevailed.

Senate Joint Resolution No. 37--Study Home Health Care Regulations.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Ms. Bushing, the resolution was referred to the Committee on Calendar and Rules.

Mr. Clark moved that House Bills Nos. 250 and 251 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

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BILLS RE-REFERRED

On motion of Ms. Pruitt, Senate Joint Resolution No. 167 was recalled from the Committee on General Welfare.

On motion of Ms. Pruitt, Senate Joint Resolution No. 167 was re-referred to the Committee on Calendar and Rules.

Mr. Moody moved that the rules be suspended for the purpose of introducing House Bill No. 1304, which motion prevailed.

House Bill No. 1304--County Attorney of Hamblen County--By Moody.

Passed first consideration.

Ms. DeBerry moved that the rules be suspended for the purpose of introducing House Bill No. 1306, which motion prevailed.

House Bill No. 1306--TSU Ornamental Agricultural Programs--By DeBerry, Stallings, Hobbs, Ivy, Pruitt, Love, Burnett and Naifeh.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

291--To regulate compensation, Department of Safety; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

FURTHER CONSIDERATION OF HOUSE BILL NO. 815

House Bill No. 815--Compensation Safety Officers.

Mr. Burnett moved that the motion to reconsider House Bill No. 815 be lifted from the table, which motion prevailed.

Mr. Burnett moved that the House reconsider its action in passing House Bill No. 815 on third and final consideration, as amended, which motion prevailed.

On motion, House Bill No. 815 was made to conform with Senate Bill No. 291.

On motion, Senate Bill No. 291, on same subject, was substituted for House Bill No. 815.

Mr. Burnett moved that Senate Bill No. 291 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest,

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Dixon, Drew, Duer, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--91.

A motion to reconsider was tabled.

NOTICE PURSUANT TO RULE NO. 59

Pursuant to Rule No. 59, sponsors gave notice of their intentions to consider the following measures from the Senate on Tuesday, May 5, 1987:

House Bill No. 54--King

House Bill No. 1100--Naifeh

Senate Bill No. 22--King

NOTICE PURSUANT TO RULE NO. 59

Pursuant to Rule No. 59, sponsors gave notice of their intentions to consider the following measures from the Senate on Wednesday, May 6, 1987:

House Bill No. 907--DeBerry

House Bill No. 301--Bushing

Senate Bill No. 640--West

House Bill No. 286--Coffey

NOTICE PURSUANT TO RULE NO. 59

Pursuant to Rule No. 59, sponsors gave notice of their intentions to consider the following measures from the Senate on Thursday, April 30, 1987:

House Bill No. 529--Rhinehart

Senate Bill No. 190--Burnett

BILLS RE-REFERRED

On motion of Mr. Phillips, House Bill No. 1168 was recalled from the Committee on Finance, Ways and Means.

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On motion of Mr. Phillips, House Bill No. 1168 was re-referred to the Committee on Judiciary.

Mr. Phillips moved to suspend House Rules 49 and 71 to allow the Calendar currently set for Monday, May 4, to be moved to Tuesday, May 5, and to allow the appropriations bill and other attendant bills to be placed on the Calendar for Tuesday, May 5, at the head of the Calendar; the bills to be moved from Monday to be set after the appropriations bill, which motion prevailed.

On motion of Mr. Scruggs, House Bill No. 137 was recalled from the Senate for further consideration.

Mr. Holcomb moved that the rules be suspended for the purpose of introducing House Bill No. 1307, which motion prevailed.

House Bill No. 1307--Sullivan County consolidated government--By Holcomb, Montgomery and Yelton.

Passed first consideration.

Mr. Starnes moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 339 out of order, which motion prevailed.

House Joint Resolution No. 339--Honoring Dr. Russell M. Nelson--By Starnes.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Starnes, the resolution was adopted.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

176--Relative to congratulating Lottie Shackelford;

177--Relative to appreciation, J. Charles "Chuck" House;

178--Relative to honoring Dr. Darr Lafon;

195--Relative to honoring Mr. and Mrs. Thomas Buford Dreaden; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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Mr. Burnett moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 195 out of order, which motion prevailed.

Senate Joint Resolution No. 195--Honoring Mr. and Mrs. Thomas Buford Dreden.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Burnett, the resolution was concurred in.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 41--Honoring Rosser E. Newton--By Tanner, Bivens and West.

Under the rules, House Resolution No. 41 was referred to the Committee on Calendar and Rules.

House Resolution No. 42--Congratulating Holly Darlene Hoffman--By Kisber.

Under the rules, House Resolution No. 42 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 315--Honoring Richard S. Wirtz--By Drew.

Under the rules, House Joint Resolution No. 315 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 316--Honoring Neil P. Cohen--By Drew.

Under the rules, House Joint Resolution No. 316 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 317--Commending G. David Price--By Hillis, Kernell and Wix.

Under the rules, House Joint Resolution No. 317 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 318--Commending students of Lakeview--By West.

Under the rules, House Joint Resolution No. 318 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 319--Recognizing Ralph G. Stout--By Hawkins.

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Under the rules, House Joint Resolution No. 319 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 320--Commending Miss Beth Gardner--By Severance and Peroulas.

Under the rules, House Joint Resolution No. 320 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 321--Honoring Cheri Singletary--By Scruggs.

Under the rules, House Joint Resolution No. 321 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 322--Congratulating Terry Clayton--By Jones, U. (Shelby), Dixon, Pruitt, Turner, L. (Shelby), DeBerry and Jones, R. (Shelby).

Under the rules, House Joint Resolution No. 322 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 323--Congratulating Coach Doug Sharp.

Under the rules, House Joint Resolution No. 323 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 324--Congratulating Coach Steve Ashberry--By Winningham.

Under the rules, House Joint Resolution No. 324 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 325--Pollution Big Pigeon River--By Davis (Cocke).

Under the rules, House Joint Resolution No. 325 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 327--Honoring memory Lt. Bobby Gene Blackley--By Jones, U. (Shelby), Jones, R. (Shelby), Nance, Shirley, Hassell, Moore (Shelby), Byrd, Turner, C. (Shelby), Cain, Gaia, Turner, L. (Shelby), Williams, Dixon and DeBerry.

Under the rules, House Joint Resolution No. 327 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 328--Commending Carol Lynn Owen--By Yelton, Napier and Robinson (Washington).

Under the rules, House Joint Resolution No. 328 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 329--Honoring Green Elementary--By Drew.

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Under the rules, House Joint Resolution No. 329 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 330--Commending Lonsdale Elementary--By Drew.

Under the rules, House Joint Resolution No. 330 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 331--Commending Flenniken Elementary--By Drew.

Under the rules, House Joint Resolution No. 331 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 332--Honoring Coach Dwight O. Clark--By DePriest.

Under the rules, House Joint Resolution No. 332 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 333--Honoring Monteagle Regency Health Care Center--By Mr. Speaker Murray, Curlee and Rhinehart.

Under the rules, House Joint Resolution No. 333 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 334--Congratulating Hermitage Springs High School--By Winningham.

Under the rules, House Joint Resolution No. 334 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 335--Honoring Pickett County--By Winningham.

Under the rules, House Joint Resolution No. 335 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 336--Commending Thomas Hamilton Williams--By Kent and Moore (Shelby).

Under the rules, House Joint Resolution No. 336 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 337--Honoring WIVK Radio--By Scruggs.

Under the rules, House Joint Resolution No. 337 was referred to the Committee on Calendar and Rules.

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House Joint Resolution No. 338--Honoring Terrell Ponder--By Good and Robinson (Washington).

Under the rules, House Joint Resolution No. 338 was referred to the Committee on Calendar and Rules.

SENATE JOINT RESOLUTIONS

(Congratulatory and Memorializing)

Senate Joint Resolution No. 181--Congratulating Mrs. Frances Dewitt Owens.

Under the rules, Senate Joint Resolution No. 181 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 46--Honoring Memory Newton Jackson Ford.

Under the rules, Senate Joint Resolution No. 46 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 170--Honoring Joseph Bascom Osborne.

Under the rules, Senate Joint Resolution No. 170 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 171--Congratulating Barbara Ross Moore.

Under the rules, Senate Joint Resolution No. 171 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 172--Congratulating Thomas K. Ballard.

Under the rules, Senate Joint Resolution No. 172 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 192--Congratulating Dr. A. Volpe.

Under the rules, Senate Joint Resolution No. 192 was referred to the Committee on Calendar and Rules.

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RESOLUTIONS LYING OVER

Senate Joint Resolution No. 158--Study property adjacent Warrior's Path State Park.

The Speaker referred Senate Joint Resolution No. 158 to the Committee on Conservation and Environment.

Senate Joint Resolution No. 165--Transfer land to TSU.

The Speaker referred Senate Joint Resolution No. 165 to the Committee on Agriculture.

Senate Joint Resolution No. 168--Study use of drug screening program.

The Speaker referred Senate Joint Resolution No. 168 to the Committee on Education.

INTRODUCTION OF BILLS

House Bill No. 1297--Jurisdiction city court, New Johnsonville--By Collier.

Passed first consideration.

House Bill No. 1298--Purchasing in Dyer County--By Holt.

Passed first consideration.

House Bill No. 1299--Smith County Junkyard Control--By Buck.

Passed first consideration.

House Bill No. 1300--Williamson County Adequate School Facilities Tax--By Frensley and Hobbs.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bills Nos. 968, 1006 and 1043.

Passed first consideration.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

REPORTS FROM STANDING COMMITTEES

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 7 (with amendment), 178 (with amendment), 231, 393, 407 (with amendment), 411, 541 (with amendment), 551 (with amendment), 589, 644, 691 (with amendment), 837 (with amendment), 839, 1032 (with amendment) and 1122 (with amendment).

BRAGG, Chairman.

Under the rules, House Bills Nos. 7, 178, 231, 393, 407, 411, 541, 551, 589, 644, 691, 837, 839, 1032 and 1122 were transmitted to the Committee on Calendar and Rules.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 9, 208 (with amendment), 786 (with amendment), 787 (with amendment), 789 (with amendment), 860 (with amendment), 871 (with amendment), 1270 and House Resolution No. 43.

BUCK, Chairman.

Under the rules, House Bills Nos. 9, 208, 786, 787, 789, 860, 871, 1270 and House Resolution No. 43 were transmitted to the Committee on Calendar and Rules.

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MOTION

On motion of Mr. Napier, his name was removed as sponsor of House Bill No. 432.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 734--Drew

House Bill No. 432--Chiles

House Bill No. 1002--DeBerry

House Joint Resolution No. 63--McAfee

House Resolution No. 44--West, Tanner, Kisber, Webb, Naifeh

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

193--Relative to congratulating Senator and Mrs. Milton Hamilton;

199--Relative to memory, Joe Little; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 252, 253, 254, 280, 281, 284 and 296;; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

171--To regulate immunity indemnification, certain employees;

646--To regulate enforcement, child support;

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736--To regulate weight specification, motor vehicles;

974--To regulate cost of textbooks;

1060--To regulate State Textbook Commission;

1079--To regulate compensation, members of General Assembly;

1140--To regulate liability of landowners; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 713, 715, 1292, 1294 and 1296; and House Joint Resolutions Nos. 63, 155, 309, 310, 311, 312, 313, 314, 339 and 343; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 146, 960, 1068, 1289 and 1290; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 1099; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill No. 1099; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

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ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 1002; and House Joint Resolution No. 109; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 147; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Joint Resolution No. 147.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 681, 692 and 800; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND;
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 495--License residential homes for the aged.

The Senate lifted the tabling motion, reconsidered passage of the bill, adopted Amendment No. 3, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1134--Police Pay Supplement; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

WEDNESDAY, APRIL 29, 1987--39th LEGISLATIVE DAY

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 631--Practice of dietitians and nutritionists; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 654--Employees welfare benefit plan; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 48, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1283 and 1288.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Thursday, April 30, 1987: House Bill No. 814, House Joint Resolution No. 197, House Bills Nos. 1016, 1275, House Resolutions Nos. 41 42; House Joint Resolutions Nos. 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338; House Bills Nos. 1283, 1288; Senate Joint Resolutions Nos. 46, 170, 171, 172, 181 and 192.

PHILLIPS, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, April 30, 1987: House Bills Nos. 202, 101, 850, 612, Senate Bill No. 78, House Bills Nos. 210, 48, 43, 354, 313, 1030 and 793.

PHILLIPS, Chairman.

On motion of Mr. Naifeh the House adjourned until 9:00, a.m. tomorrow.